

REMARKS/ARGUMENTS

The claims have been rewritten to be directed to the bearing element (original claim 8) and the base layer (original claim 7), respectively. Independent claims 20 and 29 have also been formally amended to overcome the rejection under 35 U.S.C. 112.

The rejection of claims 7-9 (now 29, 30, 20 and 21) under 35 U.S.C. 103(a) as being unpatentable over Fujita et al, the primary reference, in view of Desaki et al, the secondary reference, is respectfully traversed.

The object of Fujita et al (col. 2, lines 29-32) is to provide an aluminum bearing alloy whose the anti-seizure property is improved by hard particles without reducing its fatigue resistance, the hard particles having the claimed dimensions. "Anti-seizure property" obviously refers to the **running** layer of the bearing element. As described in col. 5, lines 46-65, the aluminum bearing alloy is formed into a plate by continuous casting, the alloy plate is quenched at a cooling rate producing the desired size of the hard particles, the plate is cold rolled to produce a desired thickness, an aluminum foil plate is cladded as a **bonding layer** to the aluminum alloy plate for cladding it to a backing steel plate

to produce a bimetal bearing. In other words, Fujita et al's bearing comprises a **running** layer of a composition overlapping the claimed composition of applicants' **bearing** layer, which running layer is cladded to a protective shell by means of an **aluminum bonding** layer.

In contrast to this, applicants' bearing element comprises a running layer **directly** disposed on a **bearing** layer of the claimed composition, which bearing layer is directly disposed on the protective shell. Thus, Fujita et al do not make it obvious to use the alloy of their **running** layer for a **bearing** layer for a running layer, which dispenses with a **bonding** layer.

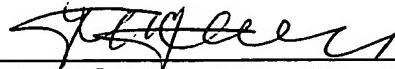
As to Desaki et al, the Examiner has conceded that the claims are patentable thereover but this reference is now used in combination with Fujita et al to show that the claimed bearing structure is known therefrom. However, as described in col. 4, lines 42-46, Desaki et al's three-layer bearing element, similarly to Fujita et al, also comprises an intermediate layer of pure aluminum or Al-Cu, Al-Mg or Al-Mn based alloys sandwiched between the backing metal (protective shell) and the lining (running layer). Thus, Desaki et al effectively deal with the same type of bimetal bearing as

Fujita et al since the intermediate bonding layer plays no role in the bearing properties of the bearing element.

As pointed out in the sentence bridging pages 8 and 9 of the specification, the advantage of applicants' use of the specifically claimed composition for the **bearing** layer of a bearing element is that the resultant multi-layer structure is simple and that the running layer can be applied to such a bearing layer directly and without the need for an intermediate bonding layer, whose use in the prior art has been described in the paragraph bridging pages 3 and 4. Applicants apply the aluminum wrought alloy bearing layer 3 to the protective shell 2 by rolling or plating, for example, and then dispose running layer 4 thereon galvanically or by spraying.

In view of the above, claims 20 and 29 are believed to be clearly patentable over the art of record, and the claims dependent thereon are believed to be allowable therewith. Accordingly, favorable reconsideration and allowance of claims 20-39 are respectfully solicited.

Respectfully submitted,
ROBERT MERGEN ET AL



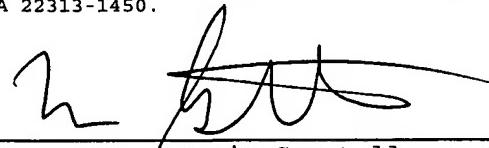
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